

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB134)

Received: **5/31/2013** Received By: **eshea**
Wanted: **6/5/2013 4:00:00 PM** Same as LRB:
For: **Robert Cowles (608) 266-0484** By/Representing: **Toni Herkert**
May Contact: Drafter: **eshea**
Subject: **Nat. Res. - nav. waters** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Cowles@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Sea lamprey control activities and funding

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	eshea 6/4/2013	evinz 6/4/2013	phenry 6/4/2013	_____	srose 6/4/2013		
/1		evinz 6/4/2013	jmurphy 6/4/2013	_____	mbarman 6/4/2013	mbarman 6/4/2013	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB134)

Received: 5/31/2013 Received By: eshea
Wanted: 6/5/2013 4:00:00 PM Same as LRB:
For: Robert Cowles (608) 266-0484 By/Representing: Toni Herkert
May Contact: Drafter: eshea
Subject: Nat. Res. - nav. waters Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Cowles@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:


Sea lamprey control activities and funding

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	eshea 6/4/2013	evinz 6/4/2013	phenry 6/4/2013	_____	srose 6/4/2013		

FE Sent For: *1 eeV*
6/4/13  *gm*
6/4

<END>

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB134)

Received: 5/31/2013 Received By: eshea
Wanted: 6/5/2013 4:00:00 PM Same as LRB:
For: Robert Cowles (608) 266-0484 By/Representing: Toni Herkert
May Contact: Drafter: eshea
Subject: Nat. Res. - nav. waters Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Cowles@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Sea lamprey control activities and funding ✓

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/P1	eshea	pl eev 6/4/13	6/4 ph	_____	_____		
-----	-------	------------------	-----------	-------	-------	--	--

FE Sent For:

<END>

Shea, Elisabeth

From: Herkert, Toni
Sent: Monday, June 03, 2013 10:05 AM
To: Shea, Elisabeth
Subject: RE: Amendment to SB 134

Lis, the more general control activities language is ok with DNR, it gives them a little more flexibility. I also double checked and apparently the surveys are not federally matched, we are just providing state funds for that activity. Sorry, I was confused on that as well.

Thanks again,
Toni

Sent from my U.S. Cellular® Android-powered device

"Shea, Elisabeth" <Elisabeth.Shea@legis.wisconsin.gov> wrote:

Hi Toni,

Just a couple questions:

In the original bill we more generally described what the \$200,000 could be used for as "sea lamprey control activities," instead of specifying chemical treatments. Should this be more specific, or could this money be used for other control activities?

Also, will the \$60,000 for surveys still be used to match federal funds?

Lis

From: Herkert, Toni
Sent: Friday, May 31, 2013 4:10 PM
To: Shea, Elisabeth
Subject: RE: Amendment to SB 134

Sounds good Lis,

Thanks for all your help with this bill and I will be in touch regarding the terrestrial invasive bill. I have a couple of changes on that one as well but I have to confirm one more item, so for now just sea lamprey.

Thanks again!

Toni

Sent from my U.S. Cellular® Android-powered device

"Shea, Elisabeth" <Elisabeth.Shea@legis.wisconsin.gov> wrote:

Hi Toni,

I will get to work on this. Just to let you know, I will do this as a substitute amendment because the structure will have to change quite a bit.

Lis

From: Herkert, Toni
Sent: Friday, May 31, 2013 3:14 PM
To: Shea, Elisabeth
Cc: Herkert, Toni
Subject: Amendment to SB 134
Importance: High

Hey Lis,

We had the public hearing on SB 134, the sea lamprey bill and I need to request a small amendment as soon as possible. The bill is going to be voted on in committee next Thursday, the 6th at 9 am so I need to have the amendment by then.

We need to do a couple of things.

1. The construction/repair for the two dams needs to be one-time money that is set aside (in an account) until the federal match is received and then the DNR can move forward with the projects or if the department finds other money to replace the federal match the department can use the one time funding to supplement that funding and continue with the barrier projects. The one time state match funding should continue to come from the Trout and Salmon stamp account. It is

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

6/4/13 tel. conf. Toni Herkert, Sen. Contes office

i.e. chemical treatments

Sen Contes changed his mind on the \$200k for control activities & \$60k on surgeries. Should no longer be ongoing, just each year of this biennium.

Problem - DNR says it will be too late this fiscal year to do chem treatments if passes this fall, so won't be able to expend \$ (all of it) until 2nd yr of biennium or 1st yr of next biennium. Is there a way we can give the \$ this biennium but allow DNR to expend it when convenient?

I asked her about what is meant by "matching" - is it that DNR can spend no more than ~~at~~ the amount received? NO - DNR's amt constitutes 35% of total cost of project, and fed. funding should cover the rest.

Also, non-federal sources of funding might be state or local govt, not private or non-profit.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0067/P1

EHS:.....

ASAP

D-NOTE

eev

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 134

gen cat

1 **AN ACT** ...; relating to: a sea lamprey control program and making an
2 appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
4 the following amounts for the purposes indicated:

5 2013-14 2014-15

6 **20.370 Natural resources, department of** ✓

7 (4) **WATER** ✓

8 (kc) Sea lamprey control ✓ GPR C 520,000 -0-

9 **SECTION 2.** 20.370 (4) (kc) of the statutes is created to read: ✓

20.370 (4) (kc) *Sea lamprey control*. As a continuing appropriation from the general fund, the amounts in the schedule for sea lamprey control projects under s. 23.22 (2) (f). No moneys may be encumbered from this appropriation after June 30, 2016.

SECTION 3. 20.370 (4) (ku) of the statutes is amended to read:

20.370 (4) (ku) *Great Lakes trout and salmon*. All moneys received under ss. 29.219 (3) (c), 29.228 (7) (c), and 29.2285 (2) to provide additional funding for the trout and salmon rearing and stocking program for outlying waters and to administer s. 29.2285 (2), and for sea lamprey control projects under s. 23.22 (2) (d) and (e).

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; s. 13.92 (1) (bm) 2.

SECTION 4. 23.22 (1) (bm) of the statutes is created to read:

23.22 (1) (bm) "Governmental unit" means a federal agency, state agency, county, city, village, or town.

SECTION 5. 23.22 (2) (d) of the statutes is created to read:

23.22 (2) (d) Under the program established under par. (a), the department shall set aside \$42,000 from the appropriation under s. 20.370 (4) (ku) during fiscal year 2013–14 to be used for a project to improve the sea lamprey barrier on the Kewaunee River at the Besadny Anadromous Fish Facility. Upon either the receipt or commitment of funding in the amount of \$78,000 from one or more governmental units, the department shall release the amount set aside for the project.

SECTION 6. 23.22 (2) (e) of the statutes is created to read:

23.22 (2) (e) Under the program established under par. (a), the department shall set aside \$262,500 from the appropriation under s. 20.370 (4) (ku) during fiscal year 2013–14 to be used for a project to construct a sea lamprey barrier on the Nemadji River. Upon either the receipt or commitment of funding in the amount of \$487,500 from one or more governmental units, the department shall release the amount set aside for the project.

SECTION 7. 23.22 (2) (f) of the statutes is created to read:

23.22 (2) (f) Under the program established under par. (a) and from the appropriation under s. 20.370 (4) (kc), the department may expend up to \$400,000 to carry out sea lamprey control projects and up to \$120,000 to conduct surveys of sea lamprey larvae on any inland lakes, tributaries of Lake Michigan or Lake Superior, or harbors of Lake Michigan or Lake Superior.

SECTION 8. Effective date.

(1) SEA LAMPREY CONTROL PROGRAM. This act takes effect on the day after publication or on the 2nd day after publication of the 2013–2015 biennial budget act, whichever is later.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0067/P1dn

EHS:.....

teev

date

Toni:

To address the issue that DNR may not be able to spend the funding appropriated for sea lamprey control treatments or surveys within the 2013–15 biennium, I drafted this appropriation as a continuing appropriation, with the entire amount available in the first fiscal year of this biennium. This way, any funds left over at the end of the first fiscal year (2013–14) will roll over to the second fiscal year (2014–15), and any funds left over at the end of this biennium will remain available for DNR's use in the next biennium. However, I added a cut-off date, so that the money may not be expended or encumbered after the first year of the next biennium (June 30, 2016).

The draft allows DNR to use up to \$400,000 for sea lamprey control and \$120,000 for surveys throughout the biennium (instead of \$200,000 and \$60,000, respectively, in each fiscal year).

Let me know if you have any questions.

Elisabeth H. Shea
Legislative Attorney
Phone: (608) 266-5446
E-mail: elisabeth.shea@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0067/P1dn
EHS:eev:ph

June 4, 2013

Toni:

To address the issue that DNR may not be able to spend the funding appropriated for sea lamprey control treatments or surveys within the 2013–15 biennium, I drafted this appropriation as a continuing appropriation, with the entire amount available in the first fiscal year of this biennium. This way, any funds left over at the end of the first fiscal year (2013–14) will roll over to the second fiscal year (2014–15), and any funds left over at the end of this biennium will remain available for DNR's use in the next biennium. However, I added a cut-off date, so that the money may not be expended or encumbered after the first year of the next biennium (June 30, 2016).

The draft allows DNR to use up to \$400,000 for sea lamprey control and \$120,000 for surveys throughout the biennium (instead of \$200,000 and \$60,000, respectively, in each fiscal year).

Let me know if you have any questions.

Elisabeth H. Shea
Legislative Attorney
Phone: (608) 266–5446
E-mail: elisabeth.shea@legis.wisconsin.gov

Shea, Elisabeth

From: Herkert, Toni
Sent: Tuesday, June 04, 2013 1:38 PM
To: Reader, Kirsten; Shea, Elisabeth
Subject: RE: ASA for AB 155

Thanks to you both!
Toni

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles
2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707

From: Reader, Kirsten
Sent: Tuesday, June 04, 2013 1:33 PM
To: Shea, Elisabeth
Cc: Herkert, Toni
Subject: ASA for AB 155

Hi, Liz:

If you could please draft the same substitute amendment for AB 155, the sea lamprey bill, that you are drafting for the senate version, Rep. Weininger would appreciate it.

Thanks!

Kirsten Reader
Research Assistant
Office of Representative Chad Weininger
4th Assembly District
125 West, State Capitol
608-266-5840 / Kirsten.Reader@legis.wisconsin.gov

Shea, Elisabeth

From: Herkert, Toni
Sent: Tuesday, June 04, 2013 2:55 PM
To: Shea, Elisabeth
Subject: RE: Senate Sub for SB 134

I received a thumbs up from DNR so I believe we are a go. If you can get it in the right format and jacketed that would be great.

Thanks,
Toni

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles
2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707

From: Shea, Elisabeth
Sent: Tuesday, June 04, 2013 2:44 PM
To: Herkert, Toni
Subject: RE: Senate Sub for SB 134

Hi Toni,

I'll have it redrafted to a /1, so it's in introducible form, and jacketed. I'll do that right away, unless you want me to wait for any response you might get from DNR. Let me know.

Lis

From: Herkert, Toni
Sent: Tuesday, June 04, 2013 2:40 PM
To: Shea, Elisabeth
Subject: Senate Sub for SB 134

Lis,

I believe the substitute amendment looks good. I am having DNR review it right now just to be sure. What do I do to accept the sub and get it introduced in the committee that will be voting on Thursday?

Thanks so much for all your help. In addition, tomorrow I will be sending some recommended changes to the terrestrial/wetland invasives draft.

Toni

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles

2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0067/P1

EHS:eev:ph

ASAP

NO CHANGES

stays

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,
TO SENATE BILL 134

1 **AN ACT** *to amend* 20.370 (4) (ku); and *to create* 20.370 (4) (kc), 23.22 (1) (bm),
2 23.22 (2) (d), 23.22 (2) (e) and 23.22 (2) (f) of the statutes; **relating to:** a sea
3 lamprey control program and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
5 the following amounts for the purposes indicated:

	2013-14	2014-15
7 20.370 Natural resources, department of		
8 (4) WATER		
9 (kc) Sea lamprey control	GPR C 520,000	-0-

10 **SECTION 2.** 20.370 (4) (kc) of the statutes is created to read:

1 20.370 (4) (kc) *Sea lamprey control*. As a continuing appropriation from the
2 general fund, the amounts in the schedule for sea lamprey control projects under s.
3 23.22 (2) (f). No moneys may be encumbered from this appropriation after June 30,
4 2016.

5 **SECTION 3.** 20.370 (4) (ku) of the statutes is amended to read:

6 20.370 (4) (ku) *Great Lakes trout and salmon*. All moneys received under ss.
7 29.219 (3) (c), 29.228 (7) (c), and 29.2285 (2) to provide additional funding for the
8 trout and salmon rearing and stocking program for outlying waters and to
9 administer s. 29.2285 (2), and for sea lamprey control projects under s. 23.22 (2) (d)
10 and (e).

11 **SECTION 4.** 23.22 (1) (bm) of the statutes is created to read:

12 23.22 (1) (bm) “Governmental unit” means a federal agency, state agency,
13 county, city, village, or town.

14 **SECTION 5.** 23.22 (2) (d) of the statutes is created to read:

15 23.22 (2) (d) Under the program established under par. (a), the department
16 shall set aside \$42,000 from the appropriation under s. 20.370 (4) (ku) during fiscal
17 year 2013–14 to be used for a project to improve the sea lamprey barrier on the
18 Kewaunee River at the Besadny Anadromous Fish Facility. Upon either the receipt
19 or commitment of funding in the amount of \$78,000 from one or more governmental
20 units, the department shall release the amount set aside for the project.

21 **SECTION 6.** 23.22 (2) (e) of the statutes is created to read:

22 23.22 (2) (e) Under the program established under par. (a), the department
23 shall set aside \$262,500 from the appropriation under s. 20.370 (4) (ku) during fiscal
24 year 2013–14 to be used for a project to construct a sea lamprey barrier on the
25 Nemadji River. Upon either the receipt or commitment of funding in the amount of

\$487,500 from one or more governmental units, the department shall release the amount set aside for the project.

SECTION 7. 23.22 (2) (f) of the statutes is created to read:

23.22 (2) (f) Under the program established under par. (a) and from the appropriation under s. 20.370 (4) (kc), the department may expend up to \$400,000 to carry out sea lamprey control projects and up to \$120,000 to conduct surveys of sea lamprey larvae on any inland lakes, tributaries of Lake Michigan or Lake Superior, or harbors of Lake Michigan or Lake Superior.

SECTION 8. Effective date.

(1) SEA LAMPREY CONTROL PROGRAM. This act takes effect on the day after publication or on the 2nd day after publication of the 2013–2015 biennial budget act, whichever is later.

(END)